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Herskovic v. Verizon Case No.: EDNY 1-19-cv-05372 BROOKLYN OFFICE
AMD-RML

Date March 15, 2021

Better Business Bureau
30 East 33rd Street, 12th Floor
New York, NY 10016
Via mail and email at Inquiry@newyork.bbb.org



Dear Better Business Bureau,

I Yehuda Herskovic am the plaintiff in this action and provide this letter to obey under duress as a "demand for arbitration" following the compulsion issued by the Hon. Ann M. Donnelly to submit the above captioned case to arbitration.

Background

The complaint alleges that on December 27, 2017, I purchased from Verizon home phone service for the number 718.387.4565. (ECF 2-2). I subsequently returned the device and rescinded the sale due to defective service. I paid all outstanding arrears. Although I do not have any outstanding balance with Verizon, they have repeatedly been falsely reporting on my credit report to the Credit Reporting Bureaus that I owe money. I have repeatedly disputed the false report and yet Verizon keeps falsely reporting that I owe a debt without the notation of dispute. This has caused me damages.

Verizon has a business model of deceiving consumers and avoiding a public record of their wrongs, to avoid public scrutiny. Given that the court system is public record and an open court, Verizon seeks to divert all litigation of their wronging consumers to secretive arbitration proceedings. However, in this case, Verizon does not have any arbitration agreement. Because none exists.

Given that no arbitration agreement exists, Verizon brought a motion to compel arbitration in the Eastern District of New York falsely alleging that I obtained Verizon Wireless service in April 2014 for a phone number ending 0559, and thus

Verizon claimed that my home phone service for 718.387.4565 in 2017 is subject to the arbitration agreement found for phone number 0559. To fabricate a head and tail when non exist, Verizon attached a contract with a different "Yehuda Herskovic," who is not me, bearing an address and ending phone number 0559 that was never my number. Indeed, I never resided on Flushing Avenue, the purported address exhibited by Verizon. In other words, Verizon misrepresented a contract of a different "Yehuda Herskovic" who is not me.

As I objected to the motion compelling arbitration, Verizon in its reply manufactured a different consumer contract, dated December 8, 2016, having no name nor address, just baring a phone number 718.675.6897. Again, the second contract also did not belong to me and bore no relationship to the phone number "718.387.4565".

The magistrate did not pay attention to my objection, verbatim copied word for word alleged by Verizon, and recommended staying the action and compelling arbitration. I filed an objection to the Magistrate's report. Judge Donnelly did not afford me to file a reply to Verizon's opposition and verbatim repeated the Verizon in its order compelling arbitration.

Given there is reversible error, I intend to appeal this case at its final conclusion. In the meanwhile, Judge Donnelly's reversible error cannot be appealed while the case is stayed and ongoing. See 9 USC 16(b)(1).

Now that Verizon was successful in removing a controversy from public record and the Eastern District court went along to get rid a pro se case, I have no choice but to repeatedly protest that there is no arbitration agreement to initiate arbitration. All there is the dictate of an order that did not and could not intelligently articulate how the Yehuda Herskovic "718.387.4565" is somehow related to the "Yehuda Herskovic" of "0559" or the owner of "718.675.6897".

It should be emphasized that I submit this "demand for arbitration" not of my own will, but under duress. This is not to say that I will defy the Judge Donnelly's order to attend arbitration. Rather, my attendance to arbitration is under protest and I emphasize that I am contesting the very basis for arbitration. I do not agree to arbitration despite this letter is labeled as "demand for arbitration." I do not consent to any waivers of rights.

Respectfully filed under protest,

Yehuda Herskovic,



My address is:

Yehuda Herskovic
225 Ross Street,
Brooklyn, NY 11211
yhm1234@yahoo.com

347 731 8818

Defendant's attorney is:

Howard A. Fried
McGIVNEY, KLUGER, CLARK & INTOCCIA, P.C.
80 Broad Street, 23rd Floor
New York, NY 10004
hfried@mklaw.us.com
Attorney for Verizon Wireless,

Attached are:

Order to file "demand for arbitration"

Order compelling arbitration

Report and recommendation of arbitration

Complaint



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